



epw
\$

PATENT
Attorney Docket No. BKP-010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Sawan et al. CONFIRMATION NO.: 6713
SERIAL NO.: 10/759,375 GROUP NO.: 3739
FILING DATE: January 16, 2004 EXAMINER: Cohen, Lee S.
TITLE: Catheter for Transdiaphragmatic Pressure and Diaphragm Electromyogram
Recording using Helicoidal Electrodes

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18th day of May, 2006.

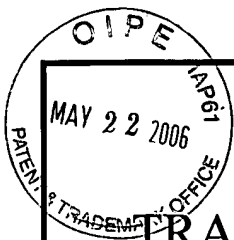

Lori Calnan

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

- Transmittal Form (1 pg.);
- Fee Transmittal (1 pg.);
- Information Disclosure Statement (2 pgs.);
- Form PTO-1449 (2 pgs.);
- Copies of IDS Citations (B1-B12; C1);
- Check in the amount of \$180.00;
- Certificate of First Class Mailing (1 pg.); and
- Return Receipt Postcard.



TRANSMITTAL FORM

Application Serial Number	10/759,375
Filing Date	January 16, 2004
First Named Inventor	Sawan et al.
Group Art Unit	3739
Examiner Name	Cohen, Lee S.
Attorney Docket No.	BKP-010
Patent No.	Not applicable
Issue Date	Not applicable

ENCLOSURES (check all that apply)

- | | | |
|---|--|---|
| <ul style="list-style-type: none"><input checked="" type="checkbox"/> Fee Transmittal Form<ul style="list-style-type: none"><input checked="" type="checkbox"/> Check Attached (\$180.00)<input type="checkbox"/> Copy of Fee Transmittal Form<input type="checkbox"/> Amendment/Response<ul style="list-style-type: none"><input type="checkbox"/> Preliminary<input type="checkbox"/> After Final<input type="checkbox"/> Affidavits/declaration(s)<input type="checkbox"/> Letter to Official Draftspersonincluding Drawings
[Total Sheets ____]<input type="checkbox"/> Petition for Extension of Time<input checked="" type="checkbox"/> Information Disclosure Statement (2 pgs.)<ul style="list-style-type: none"><input checked="" type="checkbox"/> Form PTO-1449 (2 pgs.)<input checked="" type="checkbox"/> Copies of IDS Citations (B1-B12; C1)<input type="checkbox"/> Certified Copy of Priority Document(s)<input type="checkbox"/> Sequence Listing submission<ul style="list-style-type: none"><input type="checkbox"/> Paper Copy/CD<input type="checkbox"/> Computer Readable Copy<input type="checkbox"/> Statement verifying identity of above | <ul style="list-style-type: none"><input type="checkbox"/> Copy of Notice to File Missing Parts of Application<input type="checkbox"/> Formal Drawing(s)<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal<input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)<input type="checkbox"/> Terminal Disclaimer<input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application<input type="checkbox"/> Small Entity Statement<input type="checkbox"/> CD(s) for large table or computer program<input type="checkbox"/> Amendment After Allowance<input type="checkbox"/> Request for Certificate of Correction<ul style="list-style-type: none"><input type="checkbox"/> Certificate of Correction (in duplicate) | <ul style="list-style-type: none"><input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences<input type="checkbox"/> Appeal Brief (in triplicate)<input type="checkbox"/> Status Inquiry<input checked="" type="checkbox"/> Return Receipt Postcard<input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8<input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8<input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|---|--|---|

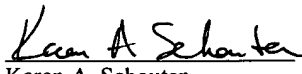
CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
Kirkpatrick & Lockhart Nicholson
Graham LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111-2950
Tel. No.: (617) 261-3100
Fax No.: (617) 261-3175

SIGNATURE BLOCK

Date: May 18, 2006
Reg. No. 58,343
Tel. No.: (617) 261-3216
Fax No.: (617) 261-3175

Respectfully submitted,


Karen A. Schouten
Attorney for Applicant(s)
Kirkpatrick & Lockhart Nicholson
Graham LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111-2950

FEE TRANSMITTAL **FY 2006**

MAY 22 2006

Complete if Known

Application Serial Number	10/759,375
Filing Date	January 16, 2004
First Named Inventor	Sawan
Group Art Unit	3739
Examiner Name	Cohen, Lee S.
Attorney Docket No.	BKP-010

METHOD OF PAYMENT

- ☒ Payment Enclosed:
☒ Check ☐ Money Order ☐ Other
- ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 50-1721.
☐ Required Fees (copy of this sheet enclosed).
☒ Additional fee required under 37 CFR 1.16 and 1.17.
☒ Overpayment Credit.
- ☒ Applicant claims small entity status.

FEE CALCULATION

1. FILING/SEARCH/EXAM/SIZE FEES

Large Entity

Fee (\$)	Fee Description	Fee Paid
300	Utility filing fee	
500	Utility search fee	
200	Utility exam fee	
250	Utility size fee (each add'l 50 pgs. over 100)	
200	Design filing fee	
100	Design search fee	
130	Design exam fee	
250	Design size fee (each add'l 50 pgs. over 100)	

	Number Filed	Number Extra	Rate	Amount
Total Claims	- 20 =		x \$ 50.00 =	

Independent Claims	- 3 =		x \$200.00 =	
--------------------	-------	--	--------------	--

☐ Multiple Dependent Claim(s), if any \$360.00 =

TOTAL:
SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$) 0.00

2. AMENDMENT CLAIM FEES

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total	-	=	x \$ 50.00 =	
Indep.	-	=	x \$200.00 =	
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$360.00 =	

TOTAL: (\$)
SMALL ENTITY DISCOUNT: (\$)
SUBTOTAL (2) (\$)0.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1020	510	Extension for reply within third month	
1590	795	Extension for reply within fourth month	
2160	1080	Extension for reply within fifth month	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1000	500	Request for oral hearing	
400	400	Petitions to the Commissioner (Gp. I)	
200	200	Petitions to the Commissioner (Gp. II)	
130	130	Petitions to the Commissioner (Gp. III)	
180	180	Submission of Information Disclosure Statement	180.00
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
130	65	Submission of Terminal Disclaimer	
Other fee (Specify)			
Other fee (Specify)			

SUBTOTAL (3) (\$) 180.00

SUBTOTAL (1) 0.00
SUBTOTAL (2) 0.00
SUBTOTAL (3) 180.00

TOTAL (\$) 180.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:
Patent Administrator
Kirkpatrick & Lockhart Nicholson
Graham LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111-2950
Tel. No.: (617) 261-3100
Fax No.: (617) 261-3175

SIGNATURE BLOCK

Date: May 18, 2006
Reg. No.: 58,343
Tel. No.: (617) 261-3216
Fax No.: (617) 261-3175

Respectfully submitted,
Karen A. Schouten
Karen A. Schouten
Attorney for the Applicants
Kirkpatrick & Lockhart Nicholson
Graham LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111-2950



PATENT
Attorney Docket No. BKP-010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Sawan et al. CONFIRMATION NO.: 6713
SERIAL NO.: 10/759,375 GROUP NO.: 3739
FILING DATE: January 16, 2004 EXAMINER: Cohen, Lee S.
TITLE: Catheter for Transdiaphragmatic Pressure and Diaphragm
Electromyogram Recording using Helicoidal Electrodes

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the patents and publications listed on the accompanying Form PTO-1449, and other information contained herein, for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the non-U.S. patent documents and non-patent publications are enclosed.

05/23/2006 FFANAEIA 00000063 10759375

01 FC:1806

180.00 OP

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the **filing date** of a national application other than a continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing of the **first Office action** on the merits, or before the mailing of a **first Office action** after the filing of a request for continued examination under 37 C.F.R. 1.114; or
- ☒ (2) after the period defined in (1) above but before the mailing date of any of a **final action** under 37 C.F.R. 1.113, a **notice of allowance** under 37 C.F.R. 1.311, or an action that otherwise closes prosecution in the application, and
- ☐ the requisite Statement is below, **OR**
- ☒ the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein; or

- ☐ (3) after the period defined in (2) above but before the payment of the **issue fee**, **AND**
- ☐ the requisite Statement is below, **AND**
- ☐ the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

STATEMENT

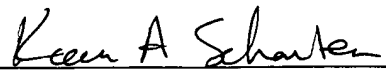
As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

- ☐ 1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
- ☐ 2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

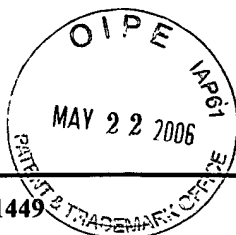
Respectfully submitted,

Date: May 18, 2006
Reg. No. 58,343

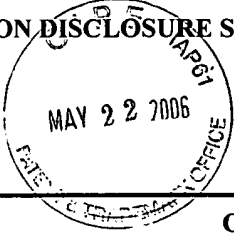
Tel. No.: (617) 261-3216
Fax No.: (617) 261-3175



Karen A. Schouten
Attorney for Applicant(s)
Kirkpatrick & Lockhart Nicholson
Graham LLP
State Street Financial Center
One Lincoln Street
Boston, Massachusetts 02111-2950



FORM PTO - 1449 INFORMATION DISCLOSURE STATEMENT				ATTORNEY DOCKET NO.: BKP-010 APPLICANT(S): Sawan et al. SERIAL NO.: 10/759,375 FILING DATE: January 16, 2004 GROUP NO.: 3739					
U.S. PATENT DOCUMENTS									
EXAM. INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE			
	A1	5,671,752	09/30/1997	Sinderby et al.					
	A2	5,820,560	10/13/1998	Sinderby et al.					
	A3	6,259,938	07/10/2001	Zarychta et al.					
	A4	6,411,843	06/25/2002	Zarychta					
	A5	6,584,347	06/24/2003	Sinderby					
	A6	6,588,423	07/08/2003	Sinderby					
FOREIGN PATENT DOCUMENTS									
EXAM. INIT.	DOCUMENT NUMBER	DATE	COUNTRY CODE	CLASS	SUB CLASS	FILING DATE	ABSTRACT ONLY	ENGLISH LANG (Y/N)	
	B1	2,172,329	10/10/1996	CA		03/21/1996	N	Y	
	B2	2,230,857	08/27/1999	CA		02/27/1998	N	Y	
	B3	2,239,673	12/04/1999	CA		06/04/1998	N	Y	
	B4	2,243,382	01/16/2000	CA		07/16/1998	N	Y	
	B5	2,276,962	01/07/2001	CA		07/07/1999	N	Y	
	B6	2,288,098	11/05/1998	CA		07/17/1997	N	Y	
	B7	2,320,816	09/02/1999	CA		02/26/1999	N	Y	
	B8	2,336,940	12/09/1999	CA		06/04/1999	N	Y	
	B9	2,337,240	01/27/2000	CA		07/16/1999	N	Y	
	B10	2,375,591	01/18/2001	CA		07/07/2000	N	Y	
	B11	2,379,671	02/08/2001	CA		07/27/2000	N	Y	
	B12	02/056818	07/25/2002	WO		01/16/2002	N	Y	
EXAMINER				DATE CONSIDERED					

FORM PTO - 1449 INFORMATION DISCLOSURE STATEMENT		ATTORNEY DOCKET NO.: BKP-010 APPLICANT(S): Sawan et al. SERIAL NO.: 10/759,375 FILING DATE: January 16, 2004 GROUP NO.: 3739	
			
OTHER ART, JOURNAL ARTICLES, ETC.			
EXAM. INIT.	OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication)		
	C1	Romain, L., "Conception et optimisation d'un catheter avec électrode œsophagienne sélective à l'EMGdi et deux capteurs de pression," Mémoire de maîtrise en génie électrique, École Polytechnique de Montréal, Canada (2000).	
EXAMINER		DATE CONSIDERED	